

**REMARKS**

Claims 55-78 are pending in the application. The Office Action requires election of a single disclosed species among Species 1-4 described on page 2. Applicant hereby elects with traverse Species 1: Figures 1-3 merely for the purpose of complying with the election requirement and without admitting to the propriety of the election requirement. Applicant asserts that claims 55-68 read upon Species 1.

Applicant traverses the election requirement on the grounds that the Office Action alleges improper species definitions. Reference to the "Brief Description of the Drawings" section and elsewhere throughout the present specification makes clear that Species 1 and 2 are not separate species and that Species 3 and 4 are not separate species. Instead, Figs. 1-6 show the semiconductive wafer fragment of Fig. 1 at successive steps with Figs. 4 and 5 showing alternative structures at a step subsequent to that shown in Fig. 3. It is clearly improper for the Office to assert that Figs. 1-3 define a different species from Figs. 4-6. Similarly, Figs. 7-12 show the semiconductive wafer fragment of Fig. 7 at successive steps. It is clearly improper for the Office to allege that Figs. 7-9 define a species separate from Figs. 10-12.

In light of the impropriety of the alleged species definitions, Applicant requests withdrawal of the election requirement in the next Office Action.

Respectfully submitted,

Dated: 01 Sep 2004

By:

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